

PATENT COOPERATION TREATY

From the INTERNATIONAL BUREAU

PCT

NOTIFICATION CONCERNING
TRANSMITTAL OF COPY OF INTERNATIONAL
PRELIMINARY REPORT ON PATENTABILITY
(CHAPTER I OF THE PATENT COOPERATION
TREATY)
(PCT Rule 44bis.1(c))

Date of mailing (day/month/year)
17 August 2006 (17.08.2006)

Applicant's or agent's file reference
414/04405

IMPORTANT NOTICE

To:
FENSTER, Paul
Fenster & Company, Intellectual Property LTD.
P. O. Box 10256
49002 Petach Tikva
ISRAEL

International application No.
PCT/IL2005/000141

International filing date (day/month/year)
04 February 2005 (04.02.2005)

Priority date (day/month/year)
05 February 2004 (05.02.2004)

Applicant
MOTORIKA INC. et al

The International Bureau transmits herewith a copy of the international preliminary report on patentability (Chapter I of the Patent Cooperation Treaty)

4405

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Docketed By IR

31 AUG 2006

To: MF PO
MF PO
CSA CSA

FENSTER & Co.

Authorized officer

Simin Baharou

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PATENT COOPERATION TREATY

PCT

INTERNATIONAL PRELIMINARY REPORT ON PATENTABILITY

(Chapter I of the Patent Cooperation Treaty)

(PCT Rule 44bis)

Applicant's or agent's file reference 414/04405		FOR FURTHER ACTION		See item 4 below	
International application No. PCT/IL2005/000141		International filing date (day/month/year) 04 February 2005 (04.02.2005)		Priority date (day/month/year) 05 February 2004 (05.02.2004)	
International Patent Classification (8th edition unless older edition indicated) See relevant information in Form PCT/ISA/237					
Applicant MOTORIKA INC.					

<p>1. This international preliminary report on patentability (Chapter I) is issued by the International Bureau on behalf of the International Searching Authority under Rule 44 bis.1(a).</p> <p>2. This REPORT consists of a total of 4 sheets, including this cover sheet.</p> <p>In the attached sheets, any reference to the written opinion of the International Searching Authority should be read as a reference to the international preliminary report on patentability (Chapter I) instead.</p>	<p>3. This report contains indications relating to the following items:</p> <table style="width: 100%; border-collapse: collapse;"> <tr> <td style="width: 15%; text-align: center;">Box No. I</td> <td style="width: 10%; text-align: center;"><input checked="" type="checkbox"/></td> <td style="width: 75%;">Basis of the report</td> </tr> <tr> <td style="text-align: center;">Box No. II</td> <td style="text-align: center;"><input type="checkbox"/></td> <td>Priority</td> </tr> <tr> <td style="text-align: center;">Box No. III</td> <td style="text-align: center;"><input type="checkbox"/></td> <td>Non-establishment of opinion with regard to novelty, inventive step and industrial applicability</td> </tr> <tr> <td style="text-align: center;">Box No. IV</td> <td style="text-align: center;"><input type="checkbox"/></td> <td>Lack of unity of invention</td> </tr> <tr> <td style="text-align: center;">Box No. V</td> <td style="text-align: center;"><input checked="" type="checkbox"/></td> <td>Reasoned statement under Article 35(2) with regard to novelty, inventive step or industrial applicability; citations and explanations supporting such statement</td> </tr> <tr> <td style="text-align: center;">Box No. VI</td> <td style="text-align: center;"><input type="checkbox"/></td> <td>Certain documents cited</td> </tr> <tr> <td style="text-align: center;">Box No. VII</td> <td style="text-align: center;"><input type="checkbox"/></td> <td>Certain defects in the international application</td> </tr> <tr> <td style="text-align: center;">Box No. VIII</td> <td style="text-align: center;"><input type="checkbox"/></td> <td>Certain observations on the international application</td> </tr> </table> <p>4. The International Bureau will communicate this report to designated Offices in accordance with Rules 44bis.3(c) and 93bis.1 but not, except where the applicant makes an express request under Article 23(2), before the expiration of 30 months from the priority date (Rule 44bis.2).</p>	Box No. I	<input checked="" type="checkbox"/>	Basis of the report	Box No. II	<input type="checkbox"/>	Priority	Box No. III	<input type="checkbox"/>	Non-establishment of opinion with regard to novelty, inventive step and industrial applicability	Box No. IV	<input type="checkbox"/>	Lack of unity of invention	Box No. V	<input checked="" type="checkbox"/>	Reasoned statement under Article 35(2) with regard to novelty, inventive step or industrial applicability; citations and explanations supporting such statement	Box No. VI	<input type="checkbox"/>	Certain documents cited	Box No. VII	<input type="checkbox"/>	Certain defects in the international application	Box No. VIII	<input type="checkbox"/>	Certain observations on the international application
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Box No. VII	<input type="checkbox"/>	Certain defects in the international application																							
Box No. VIII	<input type="checkbox"/>	Certain observations on the international application																							

<p>The International Bureau of WIPO 34, chemin des Colombettes 1211 Geneva 20, Switzerland Facsimile No. +41 22 338 82 70</p>	<p>Authorized officer Simin Baharou e-mail: pt09@wipo.int</p>
Date of issuance of this report 07 August 2006 (07.08.2006)	

PATENT COOPERATION TREATY

REC'D 30 NOV 2005
WIPO PCT

WRITTEN OPINION OF THE
INTERNATIONAL SEARCHING AUTHORITY
(PCT Rule 43bis.1)

To:
PAUL FENSTER
FENSTER & COMPANY, INTELLECTUAL PROPERTY
LTD.
P.O. BOX 10256
PETACH TIKVA, ISRAEL 49002

From the
INTERNATIONAL SEARCHING AUTHORITY

Applicant's or agent's file reference		414/04405	
International application No.		PCT/IL05/00141	
International filing date (day/month/year)	04 February 2005 (04.02.2005)	Priority date (day/month/year)	05 February 2004 (05.02.2004)
International Patent Classification (IPC) or both national classification and IPC			
IPC(7): A61H 1/00 and US Cl.: 601/5			
Applicant			
REABILITY INC.			

1. This option contains indications relating to the following items:

- | | | |
|-------------------------------------|--------------|--|
| <input checked="" type="checkbox"/> | Box No. I | Basis of the opinion |
| <input type="checkbox"/> | Box No. II | Priority |
| <input type="checkbox"/> | Box No. III | Non-establishment of opinion with regard to novelty, inventive step and industrial applicability |
| <input type="checkbox"/> | Box No. IV | Lack of unity of invention |
| <input checked="" type="checkbox"/> | Box No. V | Reasoned statement under Rule 43bis.1(a)(i) with regard to novelty, inventive step or industrial applicability; citations and explanations supporting such statement |
| <input type="checkbox"/> | Box No. VI | Certain documents cited |
| <input type="checkbox"/> | Box No. VII | Certain defects in the international application |
| <input type="checkbox"/> | Box No. VIII | Certain observations on the international application |

2. FURTHER ACTION

If a demand for international preliminary examination is made, this option will be considered to be a written opinion of the International Preliminary Examining Authority ("IPEA") except that this does not apply where the applicant chooses an Authority other than this one to be the IPEA and the chosen IPEA has notified the International Bureau under Rule 66.1bis(b) that written opinions of this International Searching Authority will not be so considered.

If this option is, as provided above, considered to be a written opinion of the IPEA, the applicant is invited to submit to the IPEA a written reply together, where appropriate, with amendments, before the expiration of 3 months from the date of mailing of Form PCT/ISA/220 or before the expiration of 22 months from the priority date, whichever expires later.

For further options, see Form PCT/ISA/220.

3. For further details, see notes to Form PCT/ISA/220.

Name and mailing address of the ISA/ US Mail Stop PCT, Attn: ISA/US Commissioner for Patents P.O. Box 1450 Alexandria, Virginia 22313-1450 Facsimile No. (571) 273-3201	Date of completion of this option 30 August 2005 (30.08.2005)	Authorized officer Michael Brown Telephone No. 571-272-4972
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1. With regard to the language, this opinion has been established on the basis of:

☒ the international application in the language in which it was filed

☐ a translation of the international application into _____, which is the language of a translation furnished for the purposes of international search (Rules 12.3(a) and 23.1(b)).

2. With regard to any nucleotide and/or amino acid sequence disclosed in the international application and necessary to the claimed invention, this opinion has been established on the basis of:

a. type of material

☐ a sequence listing

☐ table(s) related to the sequence listing

b. format of material

☐ on paper

☐ in electronic form

c. time of filing/furnishing

☐ contained in the international application as filed.

☐ filed together with the international application in electronic form.

☐ furnished subsequently to this Authority for the purposes of search.

3. ☐ In addition, in the case that more than one version or copy of a sequence listing and/or table(s) relating thereto has been filed or furnished, the required statements that the information in the subsequent or additional copies is identical to that in the application as filed or does not go beyond the application as filed, as appropriate, were furnished.

4. Additional comments:

WRITTEN OPINION OF THE
INTERNATIONAL SEARCHING AUTHORITY

Box No. V Reasoned statement under Rule 43 bis.1(a)(i) with regard to novelty, inventive step or industrial applicability; citations and explanations supporting such statement

I. Statement

Novelty (N)	Claims 4-9	Claims 1-3 and 10-35	YES	NO
	Claims 1-3 and 10-35	Claims 4-9	YES	NO
Inventive step (IS)	Claims 4-9	Claims 1-3 and 10-35	YES	NO
	Claims 1-35	Claims 1-35	YES	NO
Industrial applicability (IA)	Claims 1-35	Claims 1-35	YES	NO
	Claims 1-35	Claims 1-35	YES	NO

2. Citations and explanations:

Claims 1-3 and 10-35 lack novelty under PCT Article 33(2) as being anticipated by Dempster et al.

Claims 1-3 and 10-35 lack novelty under PCT Article 33(2) as being anticipated by Johnson et al.

Claims 4-9 meet the criteria set out in PCT Article 33(2)-(3), because the prior art does not teach or fairly suggest a method of rehabilitation including a first actuator, a second actuator, both actuators including a movement mechanism coupling the second actuator to the body to apply a different force at a specific point.

Claims 1-35 meet the criteria set out in PCT Article 33(4), and thus are industrial applicability because the subject matter claimed can be made or used in industry.